

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

BENEDICTO GUADALUPE GALVEZ,

Defendant.

8:08CR414

ORDER

This matter is before the court on the defendant's motion for extension of time in which to file pretrial motions (Doc. [19](#)). Upon review of the file, and for cause shown, the court finds that the motion should be granted.

IT IS ORDERED that the motion (Doc. [19](#)) is granted, as follows:

1. The deadline for filing pretrial motions is extended to **January 14, 2009** as to Benedicto Guadalupe Galvez.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **December 30, 2008 and January 14, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. Benedicto Guadalupe Galvez shall file an affidavit or declaration regarding speedy trial, as required by [NECrimR 12.1 and/or 12.3](#) and the case progression order, no later than **January 14, 2009**.

DATED December 31, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge